

# Senate File 439

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SENATE FILE 439

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1 3 AN ACT  
1 4 RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM  
1 5 AND PROVIDING AN EFFECTIVE DATE.  
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. DEPARTMENT OF JUSTICE.  
1 10 1. There is appropriated from the general fund of the  
1 11 state to the department of justice for the fiscal year  
1 12 beginning July 1, 2003, and ending June 30, 2004, the  
1 13 following amount, or so much thereof as is necessary, to be  
1 14 used for the purposes designated:  
1 15 For the general office of attorney general for salaries,  
1 16 support, maintenance, miscellaneous purposes including the  
1 17 prosecuting attorney training program, victim assistance  
1 18 grants, office of drug control policy (ODCP) prosecuting  
1 19 attorney program, legal services for persons in poverty grants  
1 20 as provided in section 13.34, odometer fraud enforcement, and  
1 21 for not more than the following full-time equivalent  
1 22 positions:  
1 23 ..... \$ 7,271,979  
1 24 ..... FTEs 208.50  
1 25 It is the intent of the general assembly that as a  
1 26 condition of receiving the appropriation provided in this  
1 27 subsection, the department of justice shall maintain a record  
1 28 of the estimated time incurred representing each agency or  
1 29 department.  
1 30 2. In addition to the funds appropriated in subsection 1,  
1 31 there is appropriated from the general fund of the state to  
1 32 the department of justice for the fiscal year beginning July  
1 33 1, 2003, and ending June 30, 2004, an amount not exceeding  
1 34 \$200,000 to be used for the enforcement of the Iowa  
1 35 competition law. The funds appropriated in this subsection  
2 1 are contingent upon receipt by the general fund of the state  
2 2 of an amount at least equal to the expenditure amount from  
2 3 either damages awarded to the state or a political subdivision  
2 4 of the state by a civil judgment under chapter 553, if the  
2 5 judgment authorizes the use of the award for enforcement  
2 6 purposes or costs or attorneys fees awarded the state in state  
2 7 or federal antitrust actions. However, if the amounts  
2 8 received as a result of these judgments are in excess of  
2 9 \$200,000, the excess amounts shall not be appropriated to the  
2 10 department of justice pursuant to this subsection. The  
2 11 department of justice shall report the department's actual  
2 12 costs and an estimate of the time incurred enforcing the  
2 13 competition law, to the cochairpersons and ranking members of  
2 14 the joint appropriations subcommittee on the justice system,  
2 15 and to the legislative fiscal bureau by November 15, 2003.  
2 16 3. In addition to the funds appropriated in subsection 1,  
2 17 there is appropriated from the general fund of the state to  
2 18 the department of justice for the fiscal year beginning July  
2 19 1, 2003, and ending June 30, 2004, an amount not exceeding  
2 20 \$1,125,000 to be used for public education relating to  
2 21 consumer fraud and for enforcement of section 714.16, and an  
2 22 amount not exceeding \$75,000 for investigation, prosecution,  
2 23 and consumer education relating to consumer and criminal fraud  
2 24 against older Iowans. The funds appropriated in this  
2 25 subsection are contingent upon receipt by the general fund of  
2 26 the state of an amount at least equal to the expenditure  
2 27 amount from damages awarded to the state or a political  
2 28 subdivision of the state by a civil consumer fraud judgment or  
2 29 settlement, if the judgment or settlement authorizes the use  
2 30 of the award for public education on consumer fraud. However,  
2 31 if the funds received as a result of these judgments and  
2 32 settlements are in excess of \$1,200,000, the excess funds  
2 33 shall not be appropriated to the department of justice  
2 34 pursuant to this subsection. The department of justice shall  
2 35 report to the cochairpersons and ranking members of the joint  
3 1 appropriations subcommittee on the justice system, and to the  
3 2 legislative fiscal bureau by November 15, 2003, the  
3 3 department's actual costs and an estimate of the time incurred  
3 4 in providing education pursuant to and enforcing this  
3 5 subsection.

3 6 4. a. The funds used for victim assistance grants shall  
3 7 be used to provide grants to care providers providing services  
3 8 to crime victims of domestic abuse or to crime victims of rape  
3 9 and sexual assault.

3 10 b. The balance of the victim compensation fund established  
3 11 in section 915.94 may be used to provide salary and support of  
3 12 not more than 22 FTEs and to provide maintenance for the  
3 13 victim compensation functions of the department of justice.

3 14 5. The department of justice shall submit monthly  
3 15 financial statements to the legislative fiscal bureau and the  
3 16 department of management containing all appropriated accounts  
3 17 in the same manner as provided in the monthly financial status  
3 18 reports and personal services usage reports of the department  
3 19 of revenue and finance. The monthly financial statements  
3 20 shall include comparisons of the moneys and percentage spent  
3 21 of budgeted to actual revenues and expenditures on a  
3 22 cumulative basis for full-time equivalent positions and  
3 23 available moneys.

3 24 6. a. The department of justice, in submitting budget  
3 25 estimates for the fiscal year commencing July 1, 2004,  
3 26 pursuant to section 8.23, shall include a report of funding  
3 27 from sources other than amounts appropriated directly from the  
3 28 general fund of the state to the department of justice or to  
3 29 the office of consumer advocate. These funding sources shall  
3 30 include, but are not limited to, reimbursements from other  
3 31 state agencies, commissions, boards, or similar entities, and  
3 32 reimbursements from special funds or internal accounts within  
3 33 the department of justice. The department of justice shall  
3 34 report actual reimbursements for the fiscal year commencing  
3 35 July 1, 2002, and actual and expected reimbursements for the  
4 1 fiscal year commencing July 1, 2003.

4 2 b. The department of justice shall include the report  
4 3 required under paragraph "a", as well as information regarding  
4 4 any revisions occurring as a result of reimbursements actually  
4 5 received or expected at a later date, in a report to the co-  
4 6 chairpersons and ranking members of the joint appropriations  
4 7 subcommittee on the justice system and the legislative fiscal  
4 8 bureau. The department of justice shall submit the report on  
4 9 or before January 15, 2004.

4 10 7. As a condition for accepting a grant for legal services  
4 11 for persons in poverty funded pursuant to section 13.34, an  
4 12 organization receiving a grant shall submit a report to the  
4 13 general assembly by January 1, 2004, concerning the use of any  
4 14 grants received during the previous fiscal year and efforts  
4 15 made by the organization to find alternative sources of  
4 16 revenue to replace any reductions in federal funding for the  
4 17 organization.

4 18 8. The department of justice and the department of revenue  
4 19 and finance shall, in consultation with one another, issue a  
4 20 request for information from private sector collection  
4 21 agencies, concerning the use of such agencies for the  
4 22 collection of fines, fees, surcharges, and court costs which  
4 23 are delinquent more than one year. The department of justice  
4 24 and the department of revenue and finance shall submit a  
4 25 report regarding the request for information by December 15,  
4 26 2003, for consideration by the general assembly in 2004.

4 27 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES  
4 28 INVESTIGATION AND PROSECUTION == FUNDING. There is  
4 29 appropriated from the environmental crime fund of the  
4 30 department of justice, consisting of court-ordered fines and  
4 31 penalties awarded to the department arising out of the  
4 32 prosecution of environmental crimes, to the department of  
4 33 justice for the fiscal year beginning July 1, 2003, and ending  
4 34 June 30, 2004, an amount not exceeding \$20,000 to be used by  
4 35 the department, at the discretion of the attorney general, for  
5 1 the investigation and prosecution of environmental crimes,  
5 2 including the reimbursement of expenses incurred by county,  
5 3 municipal, and other local governmental agencies cooperating  
5 4 with the department in the investigation and prosecution of  
5 5 environmental crimes.

5 6 The funds appropriated in this section are contingent upon  
5 7 receipt by the environmental crime fund of the department of  
5 8 justice of an amount at least equal to the appropriations made  
5 9 in this section and received from contributions, court-ordered  
5 10 restitution as part of judgments in criminal cases, and  
5 11 consent decrees entered into as part of civil or regulatory  
5 12 enforcement actions. However, if the funds received during  
5 13 the fiscal year are in excess of \$20,000, the excess funds  
5 14 shall be deposited in the general fund of the state.

5 15 Notwithstanding section 8.33, moneys appropriated in this  
5 16 section that remain unexpended or unobligated at the close of

5 17 the fiscal year shall not revert but shall remain available  
5 18 for expenditure for the purpose designated until the close of  
5 19 the succeeding fiscal year.

5 20 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is  
5 21 appropriated from the general fund of the state to the office  
5 22 of consumer advocate of the department of justice for the  
5 23 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
5 24 the following amount, or so much thereof as is necessary, to  
5 25 be used for the purposes designated:

5 26 For salaries, support, maintenance, miscellaneous purposes,  
5 27 and for not more than the following full-time equivalent  
5 28 positions:

5 29 ..... \$ 2,750,386  
5 30 ..... FTEs 27.00

5 31 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.

5 32 1. There is appropriated from the general fund of the  
5 33 state to the department of corrections for the fiscal year  
5 34 beginning July 1, 2003, and ending June 30, 2004, the  
5 35 following amounts, or so much thereof as is necessary, to be  
6 1 used for the purposes designated:

6 2 For the operation of adult correctional institutions,  
6 3 reimbursement of counties for certain confinement costs, and  
6 4 federal prison reimbursement, to be allocated as follows:

6 5 a. For the operation of the Fort Madison correctional  
6 6 facility, including salaries, support, maintenance, employment  
6 7 of correctional officers, miscellaneous purposes, and for not  
6 8 more than the following full-time equivalent positions:

6 9 ..... \$ 35,673,163  
6 10 ..... FTEs 576.50

6 11 b. For the operation of the Anamosa correctional facility,  
6 12 including salaries, support, maintenance, employment of  
6 13 correctional officers and a part-time chaplain to provide  
6 14 religious counseling to inmates of a minority race,  
6 15 miscellaneous purposes, and for not more than the following  
6 16 full-time equivalent positions:

6 17 ..... \$ 24,531,917  
6 18 ..... FTEs 375.75

6 19 Moneys are provided within this appropriation for one full-  
6 20 time substance abuse counselor for the Luster Heights  
6 21 facility, for the purpose of certification of a substance  
6 22 abuse program at that facility.

6 23 c. For the operation of the Oakdale correctional facility,  
6 24 including salaries, support, maintenance, employment of  
6 25 correctional officers, miscellaneous purposes, and for not  
6 26 more than the following full-time equivalent positions:

6 27 ..... \$ 22,107,007  
6 28 ..... FTEs 326.50

6 29 d. For the operation of the Newton correctional facility,  
6 30 including salaries, support, maintenance, employment of  
6 31 correctional officers, miscellaneous purposes, and for not  
6 32 more than the following full-time equivalent positions:

6 33 ..... \$ 22,865,691  
6 34 ..... FTEs 371.25

6 35 e. For the operation of the Mt. Pleasant correctional  
7 1 facility, including salaries, support, maintenance, employment  
7 2 of correctional officers and a full-time chaplain to provide  
7 3 religious counseling at the Oakdale and Mt. Pleasant  
7 4 correctional facilities, miscellaneous purposes, and for not  
7 5 more than the following full-time equivalent positions:

7 6 ..... \$ 21,329,386  
7 7 ..... FTEs 327.06

7 8 f. For the operation of the Rockwell City correctional  
7 9 facility, including salaries, support, maintenance, employment  
7 10 of correctional officers, miscellaneous purposes, and for not  
7 11 more than the following full-time equivalent positions:

7 12 ..... \$ 7,383,506  
7 13 ..... FTEs 110.00

7 14 g. For the operation of the Clarinda correctional  
7 15 facility, including salaries, support, maintenance, employment  
7 16 of correctional officers, miscellaneous purposes, and for not  
7 17 more than the following full-time equivalent positions:

7 18 ..... \$ 18,595,788  
7 19 ..... FTEs 291.76

7 20 Moneys received by the department of corrections as  
7 21 reimbursement for services provided to the Clarinda youth  
7 22 corporation are appropriated to the department and shall be  
7 23 used for the purpose of operating the Clarinda correctional  
7 24 facility.

7 25 h. For the operation of the Mitchellville correctional  
7 26 facility, including salaries, support, maintenance, employment  
7 27 of correctional officers, miscellaneous purposes, and for not

7 28 more than the following full-time equivalent positions:  
7 29 ..... \$ 12,260,590  
7 30 ..... FTEs 216.00  
7 31 i. For the operation of the Fort Dodge correctional  
7 32 facility, including salaries, support, maintenance, employment  
7 33 of correctional officers, miscellaneous purposes, and for not  
7 34 more than the following full-time equivalent positions:  
7 35 ..... \$ 24,693,949  
8 1 ..... FTEs 394.00  
8 2 j. For reimbursement of counties for temporary confinement  
8 3 of work release and parole violators, as provided in sections  
8 4 901.7, 904.908, and 906.17 and for offenders confined pursuant  
8 5 to section 904.513:  
8 6 ..... \$ 674,954  
8 7 k. For federal prison reimbursement, reimbursements for  
8 8 out-of-state placements, and miscellaneous contracts:  
8 9 ..... \$ 241,293  
8 10 The department of corrections shall use funds appropriated  
8 11 in this subsection to continue to contract for the services of  
8 12 a Muslim imam.  
8 13 2. a. If the inmate tort claim fund for inmate claims of  
8 14 less than \$100 is exhausted during the fiscal year, sufficient  
8 15 funds shall be transferred from the institutional budgets to  
8 16 pay approved tort claims for the balance of the fiscal year.  
8 17 The warden or superintendent of each institution or  
8 18 correctional facility shall designate an employee to receive,  
8 19 investigate, and recommend whether to pay any properly filed  
8 20 inmate tort claim for less than the above amount. The  
8 21 designee's recommendation shall be approved or denied by the  
8 22 warden or superintendent and forwarded to the department of  
8 23 corrections for final approval and payment. The amounts  
8 24 appropriated to this fund pursuant to 1987 Iowa Acts, chapter  
8 25 234, section 304, subsection 2, are not subject to reversion  
8 26 under section 8.33.  
8 27 b. Tort claims denied at the institution shall be  
8 28 forwarded to the state appeal board for their consideration as  
8 29 if originally filed with that body. This procedure shall be  
8 30 used in lieu of chapter 669 for inmate tort claims of less  
8 31 than \$100.  
8 32 3. It is the intent of the general assembly that the  
8 33 department of corrections shall timely fill correctional  
8 34 positions authorized for correctional facilities pursuant to  
8 35 this section.  
9 1 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.  
9 2 1. There is appropriated from the general fund of the  
9 3 state to the department of corrections for the fiscal year  
9 4 beginning July 1, 2003, and ending June 30, 2004, the  
9 5 following amounts, or so much thereof as is necessary, to be  
9 6 used for the purposes designated:  
9 7 a. For general administration, including salaries,  
9 8 support, maintenance, employment of an education director and  
9 9 clerk to administer a centralized education program for the  
9 10 correctional system, miscellaneous purposes, and for not more  
9 11 than the following full-time equivalent positions:  
9 12 ..... \$ 2,713,159  
9 13 ..... FTEs 42.18  
9 14 (1) The department shall monitor the use of the  
9 15 classification model by the judicial district departments of  
9 16 correctional services and has the authority to override a  
9 17 district department's decision regarding classification of  
9 18 community-based clients. The department shall notify a  
9 19 district department of the reasons for the override.  
9 20 (2) It is the intent of the general assembly that as a  
9 21 condition of receiving the appropriation provided in this  
9 22 paragraph, the department of corrections shall not, except as  
9 23 otherwise provided in subparagraph (3), enter into a new  
9 24 contract, unless the contract is a renewal of an existing  
9 25 contract, for the expenditure of moneys in excess of \$100,000  
9 26 during the fiscal year beginning July 1, 2003, for the  
9 27 privatization of services performed by the department using  
9 28 state employees as of July 1, 2003, or for the privatization  
9 29 of new services by the department, without prior consultation  
9 30 with any applicable state employee organization affected by  
9 31 the proposed new contract and prior notification of the  
9 32 cochairpersons and ranking members of the joint appropriations  
9 33 subcommittee on the justice system.  
9 34 (3) It is the intent of the general assembly that each  
9 35 lease negotiated by the department of corrections with a  
10 1 private corporation for the purpose of providing private  
10 2 industry employment of inmates in a correctional institution  
10 3 shall prohibit the private corporation from utilizing inmate

10 4 labor for partisan political purposes for any person seeking  
10 5 election to public office in this state and that a violation  
10 6 of this requirement shall result in a termination of the lease  
10 7 agreement.

10 8 (4) It is the intent of the general assembly that as a  
10 9 condition of receiving the appropriation provided in this  
10 10 paragraph, the department of corrections shall not enter into  
10 11 a lease or contractual agreement pursuant to section 904.809  
10 12 with a private corporation for the use of building space for  
10 13 the purpose of providing inmate employment without providing  
10 14 that the terms of the lease or contract establish safeguards  
10 15 to restrict, to the greatest extent feasible, access by  
10 16 inmates working for the private corporation to personal  
10 17 identifying information of citizens.

10 18 b. For educational programs for inmates at state penal  
10 19 institutions:

10 20 ..... \$ 1,000,000

10 21 It is the intent of the general assembly that moneys  
10 22 appropriated in this paragraph shall be used solely for the  
10 23 purpose indicated and that the moneys shall not be transferred  
10 24 for any other purpose. In addition, it is the intent of the  
10 25 general assembly that the department shall consult with the  
10 26 community colleges in the areas in which the institutions are  
10 27 located to utilize moneys appropriated in this subsection to  
10 28 fund the high school completion, high school equivalency  
10 29 diploma, adult literacy, and adult basic education programs in  
10 30 a manner so as to maintain these programs at the institutions.

10 31 To maximize the funding for educational programs, the  
10 32 department shall establish guidelines and procedures to  
10 33 prioritize the availability of educational and vocational  
10 34 training for inmates based upon the goal of facilitating an  
10 35 inmate's successful release from the correctional institution.

11 1 The director of the department of corrections may transfer  
11 2 moneys from Iowa prison industries for use in educational  
11 3 programs for inmates.

11 4 Notwithstanding section 8.33, moneys appropriated in this  
11 5 paragraph that remain unobligated or unexpended at the close  
11 6 of the fiscal year shall not revert but shall remain available  
11 7 for expenditure only for the purpose designated in this  
11 8 paragraph until the close of the succeeding fiscal year.

11 9 c. For the development of the Iowa corrections offender  
11 10 network (ICON) data system:

11 11 ..... \$ 427,700

11 12 2. The department of corrections shall submit a report to  
11 13 the cochairpersons and ranking members of the joint  
11 14 appropriations subcommittee on the justice system and the  
11 15 legislative fiscal bureau, on or before January 15, 2004,  
11 16 concerning the development and implementation of the Iowa  
11 17 corrections offender network (ICON) data system.

11 18 3. It is the intent of the general assembly that the  
11 19 department of corrections shall continue to operate the  
11 20 correctional farms under the control of the department at the  
11 21 same or greater level of participation and involvement as  
11 22 existed as of January 1, 2003, shall not enter into any rental  
11 23 agreement or contract concerning any farmland under the  
11 24 control of the department that is not subject to a rental  
11 25 agreement or contract as of January 1, 2003, without prior  
11 26 legislative approval, and shall further attempt to provide job  
11 27 opportunities at the farms for inmates. The department shall  
11 28 attempt to provide job opportunities at the farms for inmates  
11 29 by encouraging labor-intensive farming or gardening where  
11 30 appropriate, using inmates to grow produce and meat for  
11 31 institutional consumption, researching the possibility of  
11 32 instituting food canning and cook-and-chill operations, and  
11 33 exploring opportunities for organic farming and gardening,  
11 34 livestock ventures, horticulture, and specialized crops.

11 35 4. The department shall work to increase produce gardening  
12 1 by inmates under the control of the correctional institutions,  
12 2 and, if appropriate, may use the central distribution network  
12 3 at the Woodward state resource center. The department shall  
12 4 file a report with the cochairpersons and ranking members of  
12 5 the joint appropriations subcommittee on the justice system by  
12 6 December 1, 2003, regarding the feasibility of expanding the  
12 7 number of acres devoted to organic gardening and to the  
12 8 growing of organic produce for sale.

12 9 5. The department of corrections shall submit a report to  
12 10 the general assembly by January 1, 2004, concerning moneys  
12 11 recouped from inmate earnings for the reimbursement of  
12 12 operational expenses of the applicable facility during the  
12 13 fiscal year beginning July 1, 2002, for each correctional  
12 14 institution and judicial district department of correctional

12 15 services. In addition, each correctional institution and  
12 16 judicial district department of correctional services shall  
12 17 continue to submit a report to the legislative fiscal bureau  
12 18 on a monthly basis concerning moneys recouped from inmate  
12 19 earnings pursuant to sections 904.702, 904.809, and 905.14.  
12 20 6. The department of corrections, in cooperation with the  
12 21 judicial district departments of correctional services, shall  
12 22 develop an agency strategic plan as required by section  
12 23 8E.204. The plan shall consist of outcome measures for all  
12 24 treatment programs, including but not limited to successful  
12 25 completion and return rates, and cost per offender treated.  
12 26 The plan shall also include a brief description for each  
12 27 program offered within each judicial district department, the  
12 28 goals for each program, the program capacity, and the funding  
12 29 source of the program. The plan shall further include the  
12 30 level and sublevel classifications for each program on the  
12 31 corrections continuum in Code chapter 901B. The department  
12 32 and the judicial district departments of correctional services  
12 33 shall file a report by December 15, 2003, with the  
12 34 cochairpersons and ranking members of the joint appropriations  
12 35 subcommittee on the justice system, and to the legislative  
13 1 fiscal bureau, detailing the agency strategic plan.

13 2 7. Notwithstanding the number of full-time equivalent  
13 3 positions authorized for the department of corrections, the  
13 4 department may employ more than the number of full-time  
13 5 equivalent positions as necessary to alleviate staff shortages  
13 6 caused by members of the Iowa national guard or armed forces  
13 7 reserve units being called up for active duty.

13 8 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
13 9 SERVICES.

13 10 1. There is appropriated from the general fund of the  
13 11 state to the department of corrections for the fiscal year  
13 12 beginning July 1, 2003, and ending June 30, 2004, the  
13 13 following amounts, or so much thereof as is necessary, to be  
13 14 allocated as follows:

13 15 a. For the first judicial district department of  
13 16 correctional services, including the treatment and supervision  
13 17 of probation and parole violators who have been released from  
13 18 the department of corrections violator program, the following  
13 19 amount, or so much thereof as is necessary:

13 20 ..... \$ 9,282,883

13 21 b. For the second judicial district department of  
13 22 correctional services, including the treatment and supervision  
13 23 of probation and parole violators who have been released from  
13 24 the department of corrections violator program, the following  
13 25 amount, or so much thereof as is necessary:

13 26 ..... \$ 7,288,784

13 27 c. For the third judicial district department of  
13 28 correctional services, including the treatment and supervision  
13 29 of probation and parole violators who have been released from  
13 30 the department of corrections violator program, the following  
13 31 amount, or so much thereof as is necessary:

13 32 ..... \$ 4,232,132

13 33 d. For the fourth judicial district department of  
13 34 correctional services, including the treatment and supervision  
13 35 of probation and parole violators who have been released from  
14 1 the department of corrections violator program, the following  
14 2 amount, or so much thereof as is necessary:

14 3 ..... \$ 3,998,773

14 4 e. For the fifth judicial district department of  
14 5 correctional services, including the treatment and supervision  
14 6 of probation and parole violators who have been released from  
14 7 the department of corrections violator program, the following  
14 8 amount, or so much thereof as is necessary:

14 9 ..... \$ 12,129,142

14 10 f. For the sixth judicial district department of  
14 11 correctional services, including the treatment and supervision  
14 12 of probation and parole violators who have been released from  
14 13 the department of corrections violator program, the following  
14 14 amount, or so much thereof as is necessary:

14 15 ..... \$ 9,293,841

14 16 g. For the seventh judicial district department of  
14 17 correctional services, including the treatment and supervision  
14 18 of probation and parole violators who have been released from  
14 19 the department of corrections violator program, the following  
14 20 amount, or so much thereof as is necessary:

14 21 ..... \$ 5,231,406

14 22 h. For the eighth judicial district department of  
14 23 correctional services, including the treatment and supervision  
14 24 of probation and parole violators who have been released from  
14 25 the department of corrections violator program, the following

14 26 amount, or so much thereof as is necessary:  
14 27 ..... \$ 5,280,849

14 28 2. Each judicial district department of correctional  
14 29 services, within the funding available, shall continue  
14 30 programs and plans established within that district to provide  
14 31 for intensive supervision, sex offender treatment, diversion  
14 32 of low-risk offenders to the least restrictive sanction  
14 33 available, job development, and expanded use of intermediate  
14 34 criminal sanctions.

14 35 3. Each judicial district department of correctional  
15 1 services shall provide alternatives to prison consistent with  
15 2 chapter 901B. The alternatives to prison shall ensure public  
15 3 safety while providing maximum rehabilitation to the offender.  
15 4 A judicial district department may also establish a day  
15 5 program.

15 6 4. The governor's office of drug control policy shall  
15 7 consider federal grants made to the department of corrections  
15 8 for the benefit of each of the eight judicial district  
15 9 departments of correctional services as local government  
15 10 grants, as defined pursuant to federal regulations.

15 11 5. In addition to the requirements of section 8.39, the  
15 12 department of corrections shall not make an intradepartmental  
15 13 transfer of moneys appropriated to the department, unless  
15 14 notice of the intradepartmental transfer is given prior to its  
15 15 effective date to the legislative fiscal bureau. The notice  
15 16 shall include information on the department's rationale for  
15 17 making the transfer and details concerning the work load and  
15 18 performance measures upon which the transfers are based.

15 19 Sec. 7. INTENT == REPORTS.

15 20 1. It is the intent of the general assembly that each  
15 21 correctional facility make all reasonable efforts to maintain  
15 22 vocational education programs for inmates during the fiscal  
15 23 year beginning July 1, 2003, and to identify available funding  
15 24 sources to continue these programs. The department of  
15 25 corrections shall submit a report to the general assembly by  
15 26 January 1, 2004, concerning the efforts made by each  
15 27 correctional facility in maintaining vocational education  
15 28 programs for inmates.

15 29 2. The department of corrections shall submit a report on  
15 30 inmate labor to the general assembly, the cochairpersons, and  
15 31 the ranking members of the joint appropriations subcommittee  
15 32 on the justice system, and to the legislative fiscal bureau by  
15 33 January 15, 2004. The report shall specifically address the  
15 34 progress the department has made in implementing the  
15 35 requirements of section 904.701, inmate labor on capital  
16 1 improvement projects, community work crews, inmate produce  
16 2 gardening, and private-sector employment.

16 3 3. Each month the department shall provide a status report  
16 4 regarding private-sector employment to the legislative fiscal  
16 5 bureau beginning on July 1, 2003. The report shall include  
16 6 the number of offenders employed in the private sector, the  
16 7 combined number of hours worked by the offenders, and the  
16 8 total amount of allowances, and the distribution of allowances  
16 9 pursuant to section 904.702, including any moneys deposited in  
16 10 the general fund of the state.

16 11 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

16 12 1. As used in this section, unless the context otherwise  
16 13 requires, "state agency" means the government of the state of  
16 14 Iowa, including but not limited to all executive branch  
16 15 departments, agencies, boards, bureaus, and commissions, the  
16 16 judicial branch, the general assembly and all legislative  
16 17 agencies, institutions within the purview of the state board  
16 18 of regents, and any corporation whose primary function is to  
16 19 act as an instrumentality of the state.

16 20 2. State agencies are hereby encouraged to purchase  
16 21 products from Iowa state industries, as defined in section  
16 22 904.802, when purchases are required and the products are  
16 23 available from Iowa state industries. State agencies shall  
16 24 obtain bids from Iowa state industries for purchases of office  
16 25 furniture exceeding \$5,000 or in accordance with applicable  
16 26 administrative rules related to purchases for the agency.

16 27 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from  
16 28 the general fund of the state to the office of the state  
16 29 public defender of the department of inspections and appeals  
16 30 for the fiscal year beginning July 1, 2003, and ending June  
16 31 30, 2004, the following amounts, or so much thereof as is  
16 32 necessary, to be allocated as follows for the purposes  
16 33 designated:

16 34 1. For salaries, support, maintenance, and miscellaneous  
16 35 purposes, and for not more than the following full-time  
17 1 equivalent positions:

17 2 ..... \$ 16,330,999  
17 3 ..... FTEs 202.00

17 4 2. For the fees of court-appointed attorneys for indigent  
17 5 adults and juveniles, in accordance with section 232.141 and  
17 6 chapter 815:

17 7 ..... \$ 19,851,587

17 8 The office of the state public defender may reallocate the  
17 9 moneys appropriated in this section if the legislative fiscal  
17 10 bureau and the department of management are notified prior to  
17 11 the reallocation.

17 12 The state public defender's office shall, in consultation  
17 13 with the indigent defense advisory commission, the judicial  
17 14 branch, the Iowa state bar association, and other interested  
17 15 parties, file a report detailing how efficiency and cost  
17 16 savings measures can be achieved within the state public  
17 17 defender's office. The report shall be filed with the general  
17 18 assembly by December 15, 2003. The report shall include a  
17 19 review of the federal guidelines for appointing an attorney  
17 20 for an indigent defendant in federal court, make  
17 21 recommendations for changes to the definition of "indigent"  
17 22 for the purposes of appointing an attorney in state court,  
17 23 make recommendations on methods which can be used for  
17 24 recouping delinquent indigent defense fees, court costs,  
17 25 surcharges, fines, and other fees, and detail the office's  
17 26 cost containment efforts, and measurements of performance and  
17 27 performance-based budgeting.

17 28 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

17 29 1. There is appropriated from the general fund of the  
17 30 state to the Iowa law enforcement academy for the fiscal year  
17 31 beginning July 1, 2003, and ending June 30, 2004, the  
17 32 following amount, or so much thereof as is necessary, to be  
17 33 used for the purposes designated:

17 34 For salaries, support, maintenance, miscellaneous purposes,  
17 35 including jailer training and technical assistance, and for  
18 1 not more than the following full-time equivalent positions:  
18 2 ..... \$ 1,002,629  
18 3 ..... FTEs 30.05

18 4 It is the intent of the general assembly that the Iowa law  
18 5 enforcement academy may provide training of state and local  
18 6 law enforcement personnel concerning the recognition of and  
18 7 response to persons with Alzheimer's disease.

18 8 2. The Iowa law enforcement academy may select at least  
18 9 five automobiles of the department of public safety, division  
18 10 of the Iowa state patrol, prior to turning over the  
18 11 automobiles to the state fleet administrator to be disposed of  
18 12 by public auction and the Iowa law enforcement academy may  
18 13 exchange any automobile owned by the academy for each  
18 14 automobile selected if the selected automobile is used in  
18 15 training law enforcement officers at the academy. However,  
18 16 any automobile exchanged by the academy shall be substituted  
18 17 for the selected vehicle of the department of public safety  
18 18 and sold by public auction with the receipts being deposited  
18 19 in the depreciation fund to the credit of the department of  
18 20 public safety, division of the Iowa state patrol.

18 21 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
18 22 general fund of the state to the board of parole for the  
18 23 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
18 24 the following amount, or so much thereof as is necessary, to  
18 25 be used for the purposes designated:

18 26 For salaries, support, maintenance, miscellaneous purposes,  
18 27 and for not more than the following full-time equivalent  
18 28 positions:  
18 29 ..... \$ 1,015,780  
18 30 ..... FTEs 16.50

18 31 The board of parole shall make recommendations regarding  
18 32 options to improve the criminal justice system which shall  
18 33 ensure public safety while providing maximum rehabilitation to  
18 34 the offender. The board shall file a report detailing the  
18 35 recommendations with the cochairpersons and ranking members of  
19 1 the joint appropriations subcommittee on the justice system by  
19 2 December 15, 2003.

19 3 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is  
19 4 appropriated from the general fund of the state to the  
19 5 department of public defense for the fiscal year beginning  
19 6 July 1, 2003, and ending June 30, 2004, the following amounts,  
19 7 or so much thereof as is necessary, to be used for the  
19 8 purposes designated:

19 9 1. MILITARY DIVISION

19 10 For salaries, support, maintenance, miscellaneous purposes,  
19 11 and for not more than the following full-time equivalent  
19 12 positions:

19 13 ..... \$ 5,081,502  
 19 14 ..... FTEs 298.00  
 19 15 If there is a surplus in the general fund of the state for  
 19 16 the fiscal year ending June 30, 2004, within 60 days after the  
 19 17 close of the fiscal year, the military division may incur up  
 19 18 to an additional \$500,000 in expenditures from the surplus  
 19 19 prior to transfer of the surplus pursuant to section 8.57.  
 19 20 2. EMERGENCY MANAGEMENT DIVISION  
 19 21 For salaries, support, maintenance, miscellaneous purposes,  
 19 22 and for not more than the following full-time equivalent  
 19 23 positions:  
 19 24 ..... \$ 1,060,492  
 19 25 ..... FTEs 25.25  
 19 26 Sec. 13. IOWA COMMUNICATIONS NETWORK OPERATIONS.  
 19 27 1. There is appropriated from the general fund of the  
 19 28 state to the Iowa telecommunications and technology commission  
 19 29 for the fiscal year beginning July 1, 2003, and ending June  
 19 30 30, 2004, the following amount, or so much thereof as is  
 19 31 necessary, to be used for the purposes designated in this  
 19 32 subsection:  
 19 33 For operations of the network consistent with chapter 8D  
 19 34 and for the following full-time equivalent positions:  
 19 35 ..... \$ 500,000  
 20 1 ..... FTEs 105.10  
 20 2 2. Notwithstanding section 8.33 or 8.39, moneys  
 20 3 appropriated in this section which remain unobligated or  
 20 4 unexpended at the close of the fiscal year shall not revert  
 20 5 but shall remain available for the purposes designated in the  
 20 6 succeeding fiscal year, and shall not be transferred to any  
 20 7 other program.  
 20 8 3. It is the intent of the general assembly that the Iowa  
 20 9 telecommunications and technology commission annually review  
 20 10 the hourly rates established, as provided in section 8D.3,  
 20 11 subsection 3, paragraph "i". Such rates shall be established  
 20 12 in a manner to minimize any subsidy provided through state  
 20 13 general fund appropriations.  
 20 14 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
 20 15 appropriated from the general fund of the state to the  
 20 16 department of public safety for the fiscal year beginning July  
 20 17 1, 2003, and ending June 30, 2004, the following amounts, or  
 20 18 so much thereof as is necessary, to be used for the purposes  
 20 19 designated:  
 20 20 1. For the department's administrative functions,  
 20 21 including the criminal justice information system, and for not  
 20 22 more than the following full-time equivalent positions:  
 20 23 ..... \$ 2,377,580  
 20 24 ..... FTEs 38.50  
 20 25 The department shall study the security needs for the state  
 20 26 criminalistics laboratory, the state hygienic laboratory, the  
 20 27 department of agriculture and land stewardship laboratory, and  
 20 28 the state medical examiner's office located on the Des Moines  
 20 29 area community college's campus in Ankeny. The department  
 20 30 shall file a report detailing the results of the department's  
 20 31 study with the general assembly by December 15, 2003.  
 20 32 2. For the division of criminal investigation and bureau  
 20 33 of identification including the state's contribution to the  
 20 34 peace officers' retirement, accident, and disability system  
 20 35 provided in chapter 97A in the amount of 17 percent of the  
 21 1 salaries for which the funds are appropriated, to meet federal  
 21 2 fund matching requirements, and for not more than the  
 21 3 following full-time equivalent positions:  
 21 4 ..... \$ 12,863,855  
 21 5 ..... FTEs 230.50  
 21 6 The department of public safety, with the approval of the  
 21 7 department of management, may employ no more than two special  
 21 8 agents and four gaming enforcement officers for each  
 21 9 additional riverboat regulated after July 1, 2003, and one  
 21 10 special agent for each racing facility which becomes  
 21 11 operational during the fiscal year which begins July 1, 2003.  
 21 12 One additional gaming enforcement officer, up to a total of  
 21 13 four per boat, may be employed for each riverboat that has  
 21 14 extended operations to 24 hours and has not previously  
 21 15 operated with a 24-hour schedule. Positions authorized in  
 21 16 this paragraph are in addition to the full-time equivalent  
 21 17 positions otherwise authorized in this subsection.  
 21 18 3. a. For the division of narcotics enforcement,  
 21 19 including the state's contribution to the peace officers'  
 21 20 retirement, accident, and disability system provided in  
 21 21 chapter 97A in the amount of 17 percent of the salaries for  
 21 22 which the funds are appropriated, to meet federal fund  
 21 23 matching requirements, and for not more than the following

21 24 full-time equivalent positions:  
 21 25 ..... \$ 3,608,471  
 21 26 ..... FTEs 61.00  
 21 27 b. For the division of narcotics enforcement for  
 21 28 undercover purchases:  
 21 29 ..... \$ 123,343  
 21 30 4. a. For the state fire marshal's office, including the  
 21 31 state's contribution to the peace officers' retirement,  
 21 32 accident, and disability system provided in chapter 97A in the  
 21 33 amount of 17 percent of the salaries for which the funds are  
 21 34 appropriated, and for not more than the following full-time  
 21 35 equivalent positions:  
 22 1 ..... \$ 1,818,352  
 22 2 ..... FTEs 40.00  
 22 3 b. For the state fire marshal's office, for fire  
 22 4 protection services as provided through the state fire service  
 22 5 and emergency response council as created in the department,  
 22 6 and for not more than the following full-time equivalent  
 22 7 positions:  
 22 8 ..... \$ 595,619  
 22 9 ..... FTEs 12.00  
 22 10 5. a. For the division of the Iowa state patrol of the  
 22 11 department of public safety, for salaries, support,  
 22 12 maintenance, workers' compensation costs, and miscellaneous  
 22 13 purposes, including the state's contribution to the peace  
 22 14 officers' retirement, accident, and disability system provided  
 22 15 in chapter 97A in the amount of 17 percent of the salaries for  
 22 16 which the funds are appropriated, and for not more than the  
 22 17 following full-time equivalent positions:  
 22 18 ..... \$ 37,339,586  
 22 19 ..... FTEs 544.00  
 22 20 b. District 16, including the state's contribution to the  
 22 21 peace officers' retirement, accident, and disability system  
 22 22 provided in chapter 97A in the amount of 17 percent of the  
 22 23 salaries for which the funds are appropriated and for not more  
 22 24 than the following full-time equivalent positions:  
 22 25 ..... \$ 1,210,075  
 22 26 ..... FTEs 26.00  
 22 27 6. For deposit in the public safety law enforcement sick  
 22 28 leave benefits fund established under section 80.42, for all  
 22 29 departmental employees eligible to receive benefits for  
 22 30 accrued sick leave under the collective bargaining agreement:  
 22 31 ..... \$ 216,104  
 22 32 7. An employee of the department of public safety who  
 22 33 retires after July 1, 2003, but prior to June 30, 2004, is  
 22 34 eligible for payment of life or health insurance premiums as  
 23 1 provided for in the collective bargaining agreement covering  
 23 2 the public safety bargaining unit at the time of retirement if  
 23 3 that employee previously served in a position which would have  
 23 4 been covered by the agreement. The employee shall be given  
 23 5 credit for the service in that prior position as though it  
 23 6 were covered by that agreement. The provisions of this  
 23 7 subsection shall not operate to reduce any retirement benefits  
 23 8 an employee may have earned under other collective bargaining  
 23 9 agreements or retirement programs.  
 23 10 8. For costs associated with the training and equipment  
 23 11 needs of volunteer fire fighters and for not more than the  
 23 12 following full-time equivalent position:  
 23 13 ..... \$ 544,587  
 23 14 ..... FTEs 1.00  
 23 15 Notwithstanding section 8.33, moneys appropriated in this  
 23 16 subsection that remain unobligated or unexpended at the close  
 23 17 of the fiscal year shall not revert but shall remain available  
 23 18 for expenditure only for the purpose designated in this  
 23 19 subsection until the close of the succeeding fiscal year.  
 23 20 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
 23 21 from the general fund of the state to the Iowa state civil  
 23 22 rights commission for the fiscal year beginning July 1, 2003,  
 23 23 and ending June 30, 2004, the following amount, or so much  
 23 24 thereof as is necessary, to be used for the purposes  
 23 25 designated:  
 23 26 For salaries, support, maintenance, miscellaneous purposes,  
 23 27 and for not more than the following full-time equivalent  
 23 28 positions:  
 23 29 ..... \$ 806,894  
 23 30 ..... FTEs 28.00  
 23 31 If the anticipated amount of federal funding from the  
 23 32 federal equal employment opportunity commission and the  
 23 33 federal department of housing and urban development exceeds  
 23 34 \$1,144,875 during the fiscal year beginning July 1, 2003, the  
 Iowa state civil rights commission may exceed the staffing

23 35 level authorized in this section to hire additional staff to  
24 1 process or to support the processing of employment and housing  
24 2 complaints during that fiscal year.

24 3 The Iowa state civil rights commission may enter into a  
24 4 contract with a nonprofit organization to provide legal  
24 5 assistance to resolve civil rights complaints.

24 6 Sec. 16. Section 100B.9, unnumbered paragraph 1, Code  
24 7 2003, is amended to read as follows:

24 8 The building known as the fire service institute at Iowa  
24 9 state university, the land upon which the building is located,  
24 10 and parking space associated with the building shall, until  
24 11 July 1, ~~2003~~ 2010, be leased by Iowa state university to the  
24 12 department of public safety at a cost not to exceed the actual  
24 13 cost of heating, lighting, and maintaining the building and  
24 14 parking space. ~~In the event the department of public safety~~

~~24 15 locates suitable facilities prior to that time, the lease may  
24 16 be terminated at the option of the department. All equipment  
24 17 owned by Iowa state university and used exclusively to conduct  
24 18 fire service training, classes, or business shall transfer on  
24 19 July 1, 2000, to the department of public safety unless such  
24 20 transfer is prohibited or restricted by law or agreement.  
24 21 This equipment includes, but is not limited to, breathing  
24 22 apparatus, fire suppression gear, mobile equipment, office  
24 23 furniture, computers, copying machines, library, file  
24 24 cabinets, and training records.~~

24 25 Sec. 17. 1998 Iowa Acts, chapter 1101, section 15,  
24 26 subsection 2, as amended by 1999 Iowa Acts, chapter 202,  
24 27 section 25, as amended by 2000 Iowa Acts, chapter 1229,  
24 28 section 25, as amended by 2001 Iowa Acts, chapter 186, section  
24 29 21, and as amended by 2002 Iowa Acts, Second Extraordinary  
24 30 Session, chapter 1003, section 170, is amended to read as  
24 31 follows:

24 32 2. a. There is appropriated from surcharge moneys  
24 33 received by the E911 administrator and deposited into the  
24 34 wireless E911 emergency communications fund, for each fiscal  
24 35 year in the fiscal period beginning July 1, 1998, and ending  
25 1 June 30, ~~2003~~ 2004, an amount not to exceed two hundred  
25 2 thousand dollars to be used for the implementation, support,  
25 3 and maintenance of the functions of the E911 administrator.  
25 4 The amount appropriated in this paragraph includes any amounts  
25 5 necessary to reimburse the division of emergency management of  
25 6 the department of public defense pursuant to paragraph "b".

25 7 b. Notwithstanding the distribution formula in section  
25 8 34A.7A, as enacted in this Act, and prior to any such  
25 9 distribution, of the initial surcharge moneys received by the  
25 10 E911 administrator and deposited into the wireless E911  
25 11 emergency communications fund, for each fiscal year in the  
25 12 fiscal period beginning July 1, 1998, and ending June 30, ~~2003~~  
25 13 2004, an amount is appropriated to the division of emergency  
25 14 management of the department of public defense as necessary to  
25 15 reimburse the division for amounts expended for the  
25 16 implementation, support, and maintenance of the E911  
25 17 administrator, including the E911 administrator's salary.

25 18 Sec. 18. POSTING OF REPORTS IN ELECTRONIC FORMAT ==  
25 19 LEGISLATIVE FISCAL BUREAU. All reports or copies of reports  
25 20 required to be provided in this Act for fiscal year 2003=2004  
25 21 to the legislative fiscal bureau shall be provided in an  
25 22 electronic format. The legislative fiscal bureau shall post  
25 23 the reports on its internet site and shall notify by  
25 24 electronic means all the members of the joint appropriations  
25 25 subcommittee on the justice system when a report is posted.  
25 26 Upon request, copies of the reports may be mailed to members  
25 27 of the joint appropriations subcommittee on the justice  
25 28 system.

25 29 Sec. 19. EFFECTIVE DATE. The section of this Act amending  
25 30 1998 Iowa Acts, chapter 1101, being deemed of immediate  
25 31 importance, takes effect upon enactment.

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25 33  
25 34

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MARY E. KRAMER  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

26 8 I hereby certify that this bill originated in the Senate and  
26 9 is known as Senate File 439, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor